

REMARKS

I. The Section 112 Rejection

The Examiner has objected to the disclosure under 37 C.F.R. §1.63(a), on the basis that “the specification presents less than a full, clear and complete botanical description of the plant and the characteristics which distinguish the plant from related known varieties.” Claim 1 stands rejected under 35 U.S.C. § 112, first and second paragraphs, as not being supported by a clear and complete botanical description of the plant for the reasons set forth in the Examiner’s objection to the disclosure.

The specification has been amended, as suggested by the Examiner, to make a full and complete a disclosure of the plant and the characteristics that distinguish it from other related known varieties and antecedents. With reference to the red-lined version, the specification has been amended at page 2, line 11, to indicate that the variety is a naturally occurring whole plant mutation.

At page 5, line 13, the petiole diameter has been inserted and at page 6, line 14, the pedicel diameter has been added. At page 7, line 20, the specification has been amended to reflect that the lastingness of blooms is near 25 days. The Examiner requested the Applicant to set forth the average size of the stamen in the specification, however, that measurement is not typical and not readily available so it has not been included.

There are no amendments to the claim or Abstract.

The Examiner indicated that the description of the flowering habit of the claimed plant as “cyme” at page 5, line 23 of the originally filed specification contradicts the description of the inflorescence as “corymbose” at page 5, line 25. Applicant respectfully disagrees since one term describes flowering development while the other describes

flowering presentation. The term “cyme” as used here describes an inflorescence that flowers from the terminal flower first followed by the trailing lateral buds. On the other hand, “corymbose” describes the inflorescence form whereby the lower or outer flowering stalks are longer than the inner stalks. As such, the terms do not appear to conflict.

The above amendments to the specification have addressed the remaining Examiner’s objections to the disclosure under 37 C.F.R. § 1.63, first paragraph and under 35 U.S.C. § 112, first and second paragraphs. It is respectfully submitted that those objections are now overcome. As a consequence, the basis for the Examiner’s rejection under 35 U.S.C. § 112, first and second paragraphs, is no longer present and it is respectfully requested that the rejection on this basis be withdrawn.

CONCLUSION

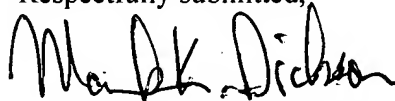
It is respectfully submitted that the Examiner's rejection under 35 U.S.C. § 112 has been overcome by the above-amendments and remarks and should be withdrawn. There are no further rejections or objections to the disclosure or the claim and the application is now believed to be in condition for allowance.

No additional fees are believed to be due, however, the U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to Deposit Account No. 08-3038 referencing docket number 10451.0051.NPUS01.

The Examiner is invited to contact the undersigned attorney at (650) 463-8234 regarding any further questions, comments or suggestions relating to this patent application.

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Respectfully submitted,



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